

**AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Amended) A data traffic policer comprising:

a classifier for separating a packet stream ~~in accordance with class~~ into a first class of traffic to be represented by a first transmission rate and a first burst capacity, and a second class of traffic to be represented by a second transmission rate and a second burst capacity;

a first bucket ~~for a first traffic class~~ representing ~~[[a]]~~ the first transmission rate and ~~[[a]]~~ the first burst capacity; and

a second bucket ~~for a second traffic class~~ representing ~~[[a]]~~ the second transmission rate and ~~[[a]]~~ the second burst capacity, the second bucket ~~being nested within the first bucket thereby~~ being subordinate to the first transmission rate and the first burst capacity of the first bucket, ~~with and the second transmission rate of the second bucket being disabled set to zero~~ when a fill condition ~~of exists in~~ the first bucket is above a predetermined level.

2. (Amended) A data traffic policer as claimed in claim 1 wherein the first bucket and/or the second bucket is a leaky bucket.
3. (Amended) A data traffic policer as claimed in claim 2 wherein the first class of traffic and/or the second class of traffic has a class-is discard based priority.
4. (Amended) A data traffic policer as claimed in claim 2 wherein the first class of traffic class and/or the second class of traffic has an is emission priority based.
5. (Amended) A data traffic policer as claimed in claim 2 wherein the first class of traffic class is and/or the second class of traffic has a discard priority and an emission priority based.
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6. (Amended) A data traffic policer as claimed in claim 1 wherein the first bucket and/or the second bucket is a token bucket.
  7. (Amended) A data traffic policer as claimed in claim 6 wherein the first class of traffic class and/or the second class of traffic has is a discard based priority.
  8. (Amended) A data traffic policer as claimed in claim 6 wherein the first class of traffic class and/or the second class of traffic has is an emission priority based.
  9. (Amended) A data traffic policer as claimed in claim 6 wherein the first class of traffic class is and/or the second class of traffic has a discard priority and an emission priority based.
  10. (Amended) A data traffic policer as claimed in claim 1 wherein the second bucket for a the second class of traffic class includes is one of a plurality of buckets for a corresponding plurality of traffic classes representing transmission rates and burst capacities, the plurality of buckets being subordinate to the first transmission rate and the first burst capacity, and the transmission rates of the plurality of buckets being set to zero when the fill condition of the first bucket is above the predetermined level.
  11. (Amended) A data traffic policer as claimed in claim 40-1 wherein the predetermined level is zero each bucket of the plurality of buckets includes a corresponding capacity.
  12. (Cancelled)
  13. (Amended) A data traffic policer as claimed in claim 10 wherein the second transmission rate comprises a weight.
  14. (Amended) A method of data traffic policing comprising the steps of:  
  
separating a packet stream into a first class of traffic to be represented by a first transmission rate and a first burst capacity, and a second class of traffic to be represented by a second transmission rate and a second burst capacity;  
accordance with class;  
  
representing a first class of traffic class as a first transmission rate and a first burst capacity; and
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representing a second class of traffic class as a second transmission rate and a second burst capacity, the representation of the second class of traffic being subordinate to the first transmission rate and the first burst capacity of the first traffic class, with and the second transmission rate of the second traffic class being set to zero ~~disabled~~ when a fill condition exists ~~of the representation of~~ for the first traffic class of traffic is above a predetermined level.

15. (Amended) A method as claimed in claim 14 wherein the representations of the first and second classes of traffic are steps of representing are as ~~leaky~~ buckets.
  16. (Amended) A method as claimed in claim 15 wherein the first class of traffic and/or the second class of traffic has a class is discard priority based.
  17. (Amended) A method as claimed in claim 15 wherein the first class of traffic and/or the second class of traffic has an class is emission priority based.
  18. (Amended) A method as claimed in claim 15 wherein the first class of traffic and/or the second class of traffic has a is discard priority and an emission priority based.
  19. (Amended) A method as claimed in claim 14 wherein the representations of the first and second classes of traffic are steps of representing are as token buckets.
  20. (Amended) A method as claimed in claim 19 wherein the first class of traffic class and/or the second class of traffic has is a discard priority based.
  21. (Amended) A method as claimed in claim 19 wherein the first class of traffic class and/or the second class of traffic has is an emission priority based.
  22. (Amended) A method as claimed in claim 19 wherein the first class of traffic and/or the second class of traffic has is a discard priority and an emission priority based.
  23. (Amended) A method as claimed in claim 14 wherein the step of representing a second class of traffic class includes representing a plurality of traffic classes as transmission rates and a first burst capacities, the representations being subordinate to the first transmission rate and the first burst capacity, and the transmission rates of the plurality of traffic classes being set to zero when the fill condition of the first bucket is above a predetermined level.
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24. (Amended) A method as claimed in claim 23-14 wherein each bucket of the plurality of buckets includes a corresponding capacity the predetermined level is zero.

25. (Cancelled)

26. (Amended) A method as claimed in claim 25 wherein the second transmission rate comprises a weight.